

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF EXCHANGE )

APPLICATION NUMBER E3289 (35-9825) )

MEMORANDUM DECISION

Exchange Application Number E3289 (35-9825), in the name of Clark T. Bishop, was filed on June 7, 1994, to exchange 1.0 acre-foot of water as evidenced by Contract with Weber Basin Water Conservancy District under Water Right Number 35-828 (A27609). The 1.0 acre-foot of water is to be released into the Weber River and, in lieu thereof, 1.0 acre-foot of water will be diverted from a six inch well, 100 feet to 400 feet deep, located South 3400 feet and East 2300 feet from the N $\frac{1}{4}$  Corner of Section 33, T1S, R5E, SLB&M, and used for the irrigation of 0.18 acres and the domestic purposes of one family.

The application was advertised in The Summit County Bee from June 24, 1994, to July 8, 1994, and was protested by the Beaver Shingle Creek Irrigation Company. A hearing was not held.

The protestants expressed concern in their written protest that this application may impair rights and that the exchange of water from Wanship Reservoir as proposed is not feasible.

A review of the records of the State Engineer did not reveal any rights for the protestant in the vicinity of this proposed well and it is doubtful that any impairment of prior rights will occur by implementation of this application.

It appears that this exchange can be made provided certain precautions are observed.

It is, therefore, **ORDERED** and Exchange Application Number E3289 (35-9825) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) The basis for this exchange right is a contract between the applicants and Weber Basin Water Conservancy District. This contract must be maintained for this exchange to remain valid. No water may be withdrawn from the well if a contract is not in effect.
- 2) Total diversion under this exchange application for all uses applied for is limited to 1.0 acre-foot of water per year. These uses are limited to the domestic needs of one family and irrigation of 0.18 acre. For the purpose of regulating this exchange, the applicants shall install a permanent totalizing meter to measure withdrawals from the well, which meter shall be available for inspection by the commissioner of the Weber River at any reasonable time.
- 3) The water being exchanged shall be released from Wanship Reservoir into Weber River as called for by the river commissioner.
- 4) Under the authority of Section 73-3-20 of the Utah Code, the applicant is required to submit a proof diversion and beneficial use of water upon 60 days notification by the State Engineer. The proof

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shall be in the same form and contain the same elements as required for appropriation or permanent change of water under Section 73-3-16 of the Utah Code Annotated.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision, or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

Dated this 19th day of September, 1994.

  
Robert L. Morgan, P.E., State Engineer

RLM:JRM:mw

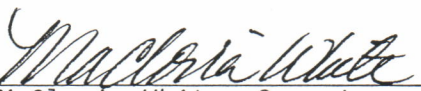
Mailed a copy of the foregoing Memorandum Decision this 19th day of September, 1994, to:

Clark T. Bishop  
416 West 750 South  
Orem, UT 84058

Beaver Shingle Creek Irrigation Company et al  
Box 685  
Kamas, UT 84036

Weber Basin Water Conservancy District  
c/o Mr. Ivan Flint, General Manager  
2837 East Highway 193  
Layton, UT 84040

E. Blaine Johnson  
1615 E. Shadow Valley Drive  
Ogden, UT 84403

BY:   
MacClovia White, Secretary